

John A. Miller, II
 Name
2851 S. La Cadena Dr. Lot #76
Colton CA 92324

Prison Number

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

FILED ENTERED	RECEIVED SERVED ON
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APR 27 2005	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>AW</u>	DEPUTY

John A. Miller II
 Plaintiff,

vs.

R. James Nicholson
Secretary of Veterans
Affairs
 Defendant(s).

CV-S-05-0367-PMP-PAL

CIVIL RIGHTS COMPLAINT
 PURSUANT TO
 42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, John A. Miller II,
 (Print Plaintiff's name)

who presently resides at 2851 S. La Cadena Dr. Lot #76, were
Colton CA 92324

violated by the actions of the below named individuals which were directed against
 Plaintiff at VA Southern Nevada Healthcare System
Las Vegas, NV on the following dates
 (institution/city where violation occurred)

Oct 17th 2002, _____, and _____
 (Count I) (Count II) (Count III)

60

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant R. James Nicholson ^{Secretary of Veterans Affairs} resides at 1700 Vegas Drive Las Vegas NV 89106
(full name of first defendant) (address if first defendant)
and is employed as Secretary of Veterans Affairs. This defendant is sued in his/her
(defendant's position and title, if any)
individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Title VII Discrimination due to sex (male)
by management (Ms. Hilda Pool) and forced to resign on Oct 17th 2002,

3) Defendant Hilda Pool resides at 1700 Vegas Dr. Las Vegas NV, 89106
(full name of first defendant) (address if first defendant)
and is employed as Nurse Manager. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Title VII Discrimination due to sex (male)
Forced to resign on Oct 17th 2002

4) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: _____

5) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: _____

6) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
_____ individual _____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Whether on the basis of sex (male), was subjected
to discrimination and harassment by management (Ms. Hilke
Pool) and ultimately forced to resign on Oct 17th, 2002.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: Discrimination due to sex
under Title VII

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Prior to Ms. Pool's advancement to Nurse Manager, she floated up to PCT2 as a Staff Nurse. On numerous occasions, she refused to perform the daily count of testosterone. On one occasion, during one of these disputes by Ms. Pool, she stated to a fellow female nurse, RN Nurse Hess PCT4, "Us nurses need to stick together." Then, looking at Nurse Hess and then looking towards me with a mean and dirty look, she stated, "Some people should not work in nursing." I was the only male nurse working in any of the four primary care units. Ms. Pool was referring to me as a male nurse. Hilda Pool would interrogate, criticize, and intimidate me in front of the staff, as well as the patients, upon her appointment as supervisor over myself. As part of Ms. Pool's plan to harass, intimidate, and coerce me into resignation, Hilda Pool placed me on an education plan. The Education plan was not reasonable and necessary, nor procedurally consistent with the terms of the contract. No prior oral warnings were documented, no prior written warnings were documented and the plan itself was without contractual foundation. Ms. Pool's conduct was directed at me because of me being a male. The earlier sexual harassment comments by Ms. Pool, followed by her inappropriate education plan, insulting of me in front of patients/staff, and misconstruing facts so as to attack me were intolerable conditions forcing resignation.

COUNT II

The following civil rights has been violated: _____

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

outline).

- a) Defendants: _____
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?
 ___ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes _____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____

If your answer is "Yes", provide the following information. Grievance Number Agency No. 200P-0593-
2003100256
 Date and institution where grievance was filed Oct. 17th 2002 EEOC No. 1.
340-2003-03548X

Response to grievance: Order of judgment in favor of the agency
and against the complainant

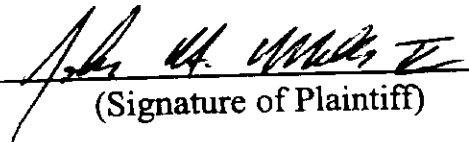
E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

Lost income from 10/18/02 to 2/20/03 based on salary of
\$40,996.00 paid every 2 weeks of \$1,576.80 and uniform allowance
every 2 weeks of \$8.27. Student educational loan payment due
from VA in the amount of \$19,113.31 Legal fees in this
matter of \$10,000.00

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)


(Signature of Plaintiff)

3/17/05
(Date)

(Additional space if needed; identify what is being continued)